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8 IN THE UNITED STATES DISTRICT COURT  
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
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11 ABE GUPTA,

No. C 05-00506 CRB

12 Plaintiff,

**ORDER**

13 v.

14 LAURETTE BEESON, et al.,

15 Defendants.  
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17 Now pending before the Court is plaintiff's motion for a continuance of defendants'  
18 summary judgment motion and defendants' opposition. At the hearing on October 28, 2005,  
19 the Court directed defendants to file their summary judgment motion by December 2, 2005  
20 and scheduled the hearing for February 3, 2006. The Court stated that it was scheduling the  
21 hearing for two months after the filing of the summary judgment motion so that plaintiff  
22 could request any necessary additional discovery after plaintiff had reviewed defendants'  
23 motion.


24 According to plaintiff, defendants served their motion on December 2, 2005, but did  
25 not provide him with a complete copy, including exhibits and declarations, until December  
26 14, 2005. Also on December 2, defendants told plaintiff that he would be unable to conduct  
27 any discovery from December 16, 2005 until the end of the year because Stanford would be  
28 closed.

1 Plaintiff's assertion that he was not served with all the documents until December 14  
2 is contradicted by the evidence submitted in support of defendants' opposition. The fact that  
3 he was studying for exams between December 2 and December 14 is also of no moment;  
4 plaintiff was aware of when he would have exams at the October 28 hearing and he did not  
5 raise any objections to the schedule proposed by the Court. However, on December 2, 2005,  
6 defendants did advise plaintiff that "Stanford will be closed starting December 16, 2005 and  
7 will be closed through the end of the year. Therefore, obtaining additional information  
8 during this time period will not be possible."

9 While plaintiff did not make any attempt to conduct discovery during the two weeks  
10 before Stanford closed for the holidays, defendants did not advise the Court of this discovery  
11 "black out" period at the October 28 hearing. Accordingly, the Court will continue the  
12 summary judgment motion to March 3, 2006. Any discovery disputes shall be decided by the  
13 magistrate judge, as the Court stated at the October 28 hearing.

14 **IT IS SO ORDERED.**

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16 Dated: January 12, 2006

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19 CHARLES R. BREYER  
20 UNITED STATES DISTRICT JUDGE  
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